CMS Privacy Implementation Checklist

An Overview

Presented by Larry Hyatt

Presentation Agenda

- Disclaimer
- Purpose of Checklist
- Use of Checklist
- Checklist contents
- Project Timeline
- Summary

Disclaimer

- First Version of Checklist
- Needs more internal review
- Has not had State trial use
- Will update, CMS will circulate
- Still useful in "Version 0" status
- If used, send comments to Larry.Hyatt@Titan.com

Purpose of Privacy Checklist

- For Privacy Compliance Project Manager
- Used to identify Project weaknesses and risk areas

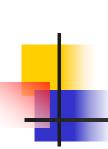- Not a summary of the Privacy standard

How is Checklist Used

- Has questions about key project activities

- Answered Yes or No

- No answers should be reviewed

- Decide if "No's" should be included, if not, why not

- Companion to Transaction Project Checklist

Checklist Contents

- **Instructions**
- **Time Line**
- **Part A – Determine Covered Entity Status**
- **Part B – Establish HIPAA Privacy Project**
- **Part C – Identify a HIPAA Privacy Officer**
- **Part D – Conduct Gap and Impact Analysis**
- **Part E – Develop Policies and Procedures**
- **Part F – Training and Education Program**
- **Part G – Coordinate with Data Trading Partners**
- **Part H – Implement Monitoring Program**

Part A - Determine Covered Entity Status

- Has Medicaid reviewed each program it administers?
- Has Medicaid reviewed its status?

Part B - Establish Privacy Project

- Project Office Established?
- Budgets and resources identified?
- Work Plan developed?
- Security implications of privacy identified?
- Project activities scheduled and tracked?

Part C - Designate a Privacy Official

- Privacy Official designated?
- At proper level in organization?
- Have authority to impose policies and procedures?
- Legal counsel ruled on documented role?

Part D - Gap and Impact Analysis

- State Laws compared with HIPAA?
- Total set of privacy requirements identified?
- Questionnaire on practices and gaps?
- Protected Information needs and uses identified?
- Privacy impact on business processes determined?

Part E - Privacy Policies and Procedures

- Current practices mapped to requirements?

- Changes and additions identified?

- New policies, procedures, and forms?

- Legal review, management approval?

- Updates planned as rules and business processes change?

Part F - Implement Training Program

- Staff needing training identified?
- Privacy overview for all employees planned?
- Course curriculum and materials established?
- Business functions targeted?
- Training reviewed by legal?

Part G - Coordinate With Data Trading Partners

- Privacy outreach plan developed?
- TP privacy status survey used?
- Ability to send/receive encrypted data known?
- Privacy added to TP agreements?
- Contracts reviewed and revised?

Part H - Establish Monitoring Program

- Resources for oversight identified?
- Organizational entity for complaints designated?
- Audit function established?
- Auditors selected and trained?

Checklist Based Interpretation of "Risk"

- Few "No's"
  - All or most of the key points in the checklist have been considered
  - Risk is relatively low
- Lots of "No's"
  - A significant number of key points have not been considered
  - Carefully examine each "NO" response
  - Risk is moderate to high
  - Risk Management may become a critical activity

Summary

- Checklist for Privacy Project Lead use
- Aid in evaluating if project covers all the key points
- Version 0 is immature,but useable
- Does provide some indication of risk that the project will or will not successfully implement Privacy standard
- New versions will be forthcoming

Discussion Time